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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/699,387 10/31/00 YOSHINO

H 1272.7623 DI

005514 MM91/0328
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EXAMINER

NGHIEM, M.
ART UNIT

PAPER NUMBER

2861
DATE MAILED:

03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/699,387

Applicant(s)
Yoshino

Examiner
Michael Nghiem

Group Art Unit
2861



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 8-12 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 8-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☒ received in Application No. (Series Code/Serial Number) 08/522,917.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2861

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities:

The continuation data is not disclosed.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 12/8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagoshi et al. (US 4,965,596).

Nagoshi et al. discloses all the claimed features of the invention including:

- an ink jet apparatus (Fig. 1) for printing on a printing medium with ink, and treatment liquid (ink) having a function of setting ink (function of ink), said apparatus comprising:

- an ink ejection port (ink ejection port of 20BK) for ejecting ink;
- a treatment liquid ejection port (ejection port of 20C) for ejecting

liquid;

- a waste liquid accommodating substance (125BK-2) for accommodating waste liquid;

- a first introducing means (100, 110) for introducing waste ink discharged by recovery operation from said ink ejection port into a first portion of said waste liquid accommodating substance (Fig. 1); and

- a second introducing means (100, 112) for introducing waste treatment liquid discharged by recovery operation from said treatment liquid ejection port into a second portion (125C-2) separated from said first portion (Fig. 1) of said waste liquid accommodating substance,

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- an ink jet head (20BK) which includes, as an energy generating element, an electrothermal transducer for generating thermal energy so as to allow a phenomenon of film boiling to appear in ink (column 4, lines 10-15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 and 12/(9-11) are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagoshi et al..

Nagoshi et al. does not disclose the following claimed features:

- said waste liquid accommodating substance is formed in a U-shaped configuration,

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- said treatment liquid contains a cationic material composed of a low molecular weight ingredient and a high molecular weight ingredient, and said ink contains an anionic dye or at least an anionic compound and a pigment.

Nevertheless, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the shape of (125BK-2) of Nagoshi et al., since a modification in shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

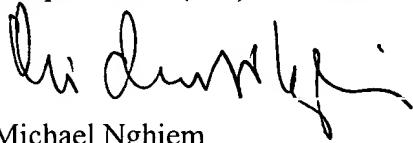
Furthermore, it is known to provide an ink (a water solution) containing cationic and anionic elements, and pigments. Cationic and anionic elements are contained in water (solution). MPEP 2144.03.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iwagami et al. (US 5,237,341) discloses a waste liquid accommodating substance 36) for receiving ink and maintenance solution waste (Abstract, lines 11-13). Sugimoto et al. (US 6,155,666) discloses waste liquid accommodating substances (25a, 25b).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0956.



Michael Nghiem

March 23, 2001